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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,995	02/09/2001	Ken Kutaragi	SCEI 18.302	5881

7590                    03/12/2007  
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NEW YORK, NY 10022-2585

EXAMINER
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ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
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3622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/780,995	KUTARAGI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Raquel Alvarez	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 January 2007.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

1. This office action is in response to communication filed on 1/17/2007.
2. Claims 1-20 are presented for examination.

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (5,835,087 hereinafter Herz).

With respect to claims 1, 4-6, 8, 11-18 Herz teaches an in contents-advertising method wherein advertisement information provided beforehand is included in digital contents activated by a user terminal (Summary). Activating in a user terminal in a program by a user the digital content and determining that the digital contents have been activated by the user (col. 55, lines 45-54); transferring an identifier of the digital contents and an identifier of the user to an advertising information server when the digital contents have been activated by the user (col. 55, lines 45 to col. 56, lines 1-14); selecting and retrieving advertising information by the advertising information server based on the digital contents identifier and the user identifier and transferring the retrieved advertising information to the user terminal (col. 60, lines 11-20); inserting the retrieved advertising information in the digital contents such that the advertising information is automatically selected and retrieved from the advertising server,

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transferred to the user terminal and inserted in the digital contents when the digital contents are activated in the user terminal by the user (col. 55, lines 45 to col. 56 lines 1-14; col. 60, lines 11-20 and col. 61, lines 4-26).

With respect to the digital contents being activated in a game program. Herz teaches the content is activated in a news service program. It would have been obvious to a person of ordinary skill in the art to have changed the news service program of Herz to a game program in order to attract fun, younger users to the system.

With respect to information indicating that advertisements may be inserted, advertising information included in the digital content is updated with the retrieved advertising information. In Herz, the lists of advertisements are pre-selected based on the target profile of the article (col. 55, lines 50-62) and the amount that advertisers are willing to pay (col. 40, lines 8-28).

With respect to the newly added feature of receiving input from the user via a user interface of the program after transferring of the retrieved advertising information. In Herz, the advertisements are selected and retrieved based on target profile of the news programs (col. 55, lines 50-62) and based on the amount of money the advertisers are willing to pay (col. 40, lines 8-28). The advertisements are pre-selected before the user interacts with the new news program.

With respect to claims 2-3, Herz further teaches providing the advertising information by the advertising server to the contents provider for insertion in the digital contents (Figure 1).

Claims 7 and 9, further recite advertising fees based on said recording results. Official notice is taken that it is old and well known to charge based on recording/product quality. For example, a low/inferior quality recording or product gets a lower fee than a high quality product or recording in order to compensate for good performance. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included advertising fees based on said recording results in order to obtain the above mentioned advantages.

Claim 10 further recites the advertisers providing the times of the advertisement insertion and providing said ads based on said advertisements information specified from said advertiser. Official notice is taken that it is old and well known for advertisers to select the times slots and structure in which they want the advertisements to be displayed to the customers. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the advertisers providing the time of the advertisements insertion because such a modification would allow the advertisers to target the proper audience based on the time period selected.

Claim 19 further recites a moving image as the advertising information. Official Notice is taken that it is old and well known for digital contents to be presented as moving objects or the like in order to provide a continuously changing position of the content and therefore provide a more realistic presentation of the information. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a moving image as the advertising information in order to achieve the above mentioned advantage.

Claim 20 further recites that the program is a driving game program and it includes a vehicle operated by the user. Official Notice is taken that it is old and well known for game programs and the like to provide different life like features such as vehicles and allowing the user to drive or manipulate these features in order to provide a life like experience for the users. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the program being a driving game program and it includes a vehicle operated by the user in order to achieve the above mentioned advantage.

**Response to Arguments**

4. Applicant argues that Herz doesn't disclose or suggest the advertisement information being transferred to the user terminal prior to receiving input from the user via a user interface of the program. The Examiner disagrees with Applicant because a target profile for the news article and for the user is compiled based on what articles the user has read and have given feedback in the past. The advertisements (customized

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information) presented to the users are based on the information the users have provided in the past (col. 55, lines 45-67). The customized information (advertisements) are displayed to the users, and then the users can further input his or her feedback on the customized information or advertisements presented.

**Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

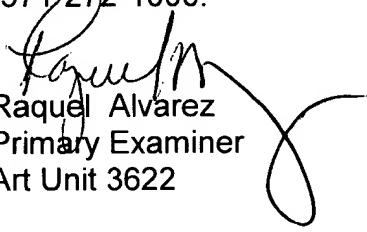
**Point of contact**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
3/7/2007